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U.S. DISTRICT COURT

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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH**

**Crystal Lagoons U.S. Corp., and
Crystal Lagoons Technologies, Inc.,**

Plaintiffs,

v.

**Desert Color Manager, LLC;
Desert Color St. George, LLC;
Cole West Home, LLC;
Holmes Homes, Inc.;
Sullivan Homes, LLC; and
Pacific Aquascape International, Inc.,**
Defendants.

Civil No. 2:20-cv-00851-BSJ

**Order Granting-in-Part and
Denying-in Part Desert Color
Manager, LLC, Desert Color St.
George, LLC, and Pacific
Aquascape International, Inc.'s
Motion to Dismiss Plaintiffs' First
Amended Complaint**

District Judge Bruce S. Jenkins

Before the Court is Defendants Desert Color Manager, LLC, Desert Color St. George, LLC, and Pacific Aquascape International, Inc.'s Motion to Dismiss Plaintiffs' First Amended Complaint ("Motion"). The Court, having considered the parties' arguments and submissions on the Motion, hereby rules as follows:

Plaintiffs' First Amended Complaint fails to allege specific facts tying Pacific Aquascape to their asserted causes of action subject to the Motion. Plaintiffs' First Amended Complaint also fails to state a cause of action for trade dress infringement.

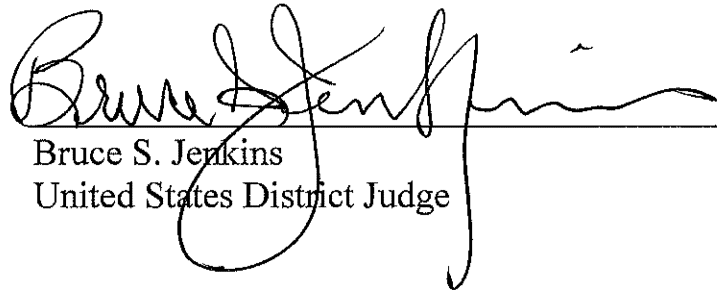
Accordingly, the Court GRANTS the Motion and dismisses counts 1–10 of the First Amended Complaint as against Pacific Aquascape without prejudice. The Court also GRANTS the Motion without prejudice with respect to count 6 (trade dress infringement) as against Desert Color Manager and Desert Color St. George. The Court DENIES the remainder of the Motion.

Plaintiffs are granted leave to amend on or before May 10, 2021. If Plaintiffs do not file an amended complaint on or before May 10, 2021, Desert Color Manager, Desert Color St. George, and Pacific Aquascape shall file their answer by May 24, 2021 with respect to those claims that remain from the First Amended Complaint. Plaintiffs may also seek leave to amend in the future if they become

aware of additional facts or evidence that supports realleging or adding any cause of action.

Dated: 5/2/21

BY THE COURT:


Bruce S. Jenkins
United States District Judge